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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,771	06/29/2001	David U. Shorter	6169-235	2029

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EXAMINER

POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/896,771	Applicant(s) SHORTER ET AL.	
	Examiner Robert M. Pond	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The Applicant amended claims 1, 7, 21, and 22. All pending claims (1-22) were examined in this non-final office action necessitated by new grounds of rejection.

Response to Arguments

Applicant's arguments with respect to Claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 1. Claims 1-20 are rejected under 35 USC 102(b) as being anticipated by NEON (a collection of prior art cited in PTO-892, Items: U-UU).**

NEON teaches all the limitations of claims 1-20. For example, NEON discloses NEON's (New Era of Networks) new XML and EDI adapters used to integrate B2B systems with any other application in an enterprise (U: see at least page 1). NEON discloses XML integration with non-XML based systems,

automatic loading of XML document type definitions (DTDs), industry standard formats, choice of connectivity options, and support for IBM's MQSeries and IBM's MQIntegrator (U: see at least page 2). NEON discloses MQSeries software helping companies streamline their B2C, B2B, and A2A computing environments regardless of platform or geography (V: see at least pages 1 and 2). NEON discloses IBM's partnership with NEON (V: see at least page 2). NEON discloses MQSeries providing the integration capabilities for IBM's WebSphere B2B software that helps business connect to customers, suppliers, business partners, and e-marketplaces via the Internet (V: see at least page 2). NEON discloses NEON being awarded US Patent 5,893,911 (identified as a courtesy to the Applicant hereinafter referred to as "Piskiel" for further reference) that provides protection for core technologies of its Enterprise Application Integration (EAI) products (W: see at least page 6). NEON discloses scalable content-based information routing (e.g. routing orders based on the product being shipped, location, customer, etc.), enabling products (e.g. MQSeries) to perform content-based routing on thousands of information objects per second while evaluating hundreds of thousands of rules (W: see at least page 6). NEON discloses adapters for terminals and communication protocols (UU: see at least pages 1-3). NEON further discloses:

- Associating a plurality of message adapters with a plurality of integrated technology (IT) systems for processing common data: as noted above.

- Intercepting in said message adapter data processing messages generated in corresponding retail IT system: as noted above.
- Converting in message adapters the intercepted data processing messages to a common message format and forwarding each converted message to other IT systems: as noted above
- Receiving the forwarded data processing messages: as noted above.
- Common message format is based upon XML: as noted above.
- Forward each converted data processing message to a data control point: queuing message: (W: see at least page 5Piskiel, see at least Fig. 1; Fig. 2; col. 1, line 5 through col. 5, line 13; col. 7, lines 45-63).
- Asynchronous messaging: (X: see at least pages 1 and 2).
- Machine readable storage: (W: Piskiel, see at least Fig. 1; col. 5, line 50 through col. 6, line 17).

Pertaining to claims 7-12 and 17-20

Rejection of claims 7-12 and 17-20 is based on the same rationale as noted above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 2. Claims 21 and 22 are rejected under 35 USC 103(a) as being unpatentable over NEON (a collection of prior art cited in PTO-892, Items: U-UU) in view of Flores et al. (Paper #20040929, US 6,073,109 hereinafter referred to as "Flores").**

NEON teaches NEON's (New Era of Networks) new XML and EDI adapters used to integrate B2B systems with any other application in an enterprise (U: see at least page 1). NEON teaches XML integration with non-XML based systems, automatic loading of XML document type definitions (DTDs), industry standard formats, choice of connectivity options, and support for IBM's MQSeries and IBM's MQIntegrator (U: see at least page 2). NEON teaches MQSeries software helping companies streamline their B2C, B2B, and A2A computing environments regardless of platform or geography (V: see at least pages 1 and 2). NEON discloses IBM's partnership with NEON (V: see at least page 2). NEON teaches MQSeries providing the integration capabilities for IBM's WebSphere B2B software that helps business connect to customers, suppliers, business partners, and e-marketplaces via the Internet (V: see at least page 2). NEON teaches

NEON being awarded US Patent 5,893,911 (identified as a courtesy to the Applicant hereinafter referred to as "Piskiel" for further reference) that provides protection for core technologies of its Enterprise Application Integration products (W: see at least page 6). NEON teaches scalable content-based information routing (e.g. routing orders based on the product being shipped, location, customer, etc.), enabling products (e.g. MQSeries) to perform content-based routing on thousands of information objects per second while evaluating hundreds of thousands of rules (W: see at least page 6). NEON teaches adapters for terminals and communication protocols (UU: see at least pages 1-3). NEON further teaches:

- Associating a plurality of message adapters with a plurality of integrated technology (IT) systems for processing common data: as noted above.
- Intercepting in said message adapter data processing messages generated in corresponding retail IT system: as noted above.
- Converting in message adapters the intercepted data processing messages to a common message format and forwarding each converted message to other IT systems: as noted above
- Receiving the forwarded data processing messages: as noted above.
- Common message format is based upon XML: as noted above.
- Forward each converted data processing message to a data control point; queuing message: (W: see at least page 5 Piskiel, see at least Fig. 1; Fig. 2; col. 1, line 5 through col. 5, line 13; col. 7, lines 45-63).

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- Asynchronous messaging: (X: see at least pages 1 and 2).
- Machine readable storage: (W: Piskiel, see at least Fig. 1; col. 5, line 50 through col. 6, line 17).

NEON teaches all the above as noted under the 103(a) rejection but does not teach detecting a modification to common data. Flores teaches managing business processes, detecting changes in transaction databases, and initiating processes due to detected changes (see at least abstract; Fig. 4b (1-6); col. 1, lines 10-27; col. 3, lines 20-24). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of NEON to detect changes in a database as taught by Flores, in order to communicate changes in business information.

Pertaining to claim 22

Rejection of claim 22 is based on the same rationale as noted above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

EAI: Kalafsky, M.; "Legacy Reuse Strategies: Enterprise Application Integration," SunServer, May 2000, v14n5pg6, Proquest #53847549, 5pgs; teaches Enterprise Application Integration, messaging (synch and async), connectivity, security, and strategies.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'R. M. Pond', with a stylized, cursive script.

Robert M. Pond
Primary Examiner
April 18, 2005